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Agenda item 107

ELIMINATION OF RACISM AND RACIAL DISCRIMINATION

Report of the Third Committee (Part I)*

Rapporteur: Mrs. Rosa Carmina Recinos de MALDONADO (Guatemala)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 24 September 1993, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-eighth session the item entitled "Elimination of racism and racial discrimination" and to allocate it to the Third Committee.

2. The Committee considered the item jointly with item 108 (a) at its 3rd to 10th, 25th and 32nd meetings, on 11, 12, 14, 15 and 18 October and 8 and 12 November 1993. An account of the Committee's discussion of the item is contained in the relevant summary records (A/C.3/48/SR.3-10, 25 and 32).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Committee on the Elimination of Racial Discrimination (A/48/18); 1/

(b) Report of the Secretary-General on the draft programme of action for the third decade to combat racism and racial discrimination (1993-2003) (A/48/423);

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* The report of the Committee on item 107 will be issued in two parts (see also A/48/625/Add.1).

1/ To be issued in final form as Official Records of the General Assembly, Forty-eighth Session, Supplement No. 18 (A/48/18).

(c) Report of the Secretary-General on the status of the International Convention on the Suppression and Punishment of the Crime of Apartheid (A/48/438);

(d) Report of the Secretary-General on the financial situation of the Committee on the Elimination of Racial Discrimination (A/48/439);

(e) Model national legislation for the guidance of Governments in the enactment of further legislation against racial discrimination; draft revised by the Secretariat in accordance with the comments made by the Committee on the Elimination of Racial Discrimination at its fortieth and forty-first sessions (A/48/558);

(f) Letter dated 3 February 1993 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General (A/48/76-S/25230);

(g) Letter dated 8 February 1993 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General (A/48/81);

(h) Letter dated 18 March 1993 from the Permanent Representative of South Africa to the United Nations addressed to the Secretary-General (A/48/118);

(i) Letter dated 4 August 1993 from the Permanent Representative of Brazil to the United Nations addressed to the Secretary-General (A/48/291-S/26242 and Corr.1 and 2);

(j) Letter dated 6 October 1993 from the Permanent Representative of Indonesia to the United Nations addressed to the Secretary-General (A/48/484-S/26552);

(k) Letter dated 12 October 1993 from the Permanent Representative of Austria to the United Nations addressed to the Secretary-General (A/48/496);

(l) Letter dated 25 October 1993 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General (A/48/547);

(m) Letter dated 26 October 1993 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General (A/C.3/48/3);

(n) Letter dated 27 October 1993 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General (A/C.3/48/4).

4. At the 3rd meeting, on 11 October, the Assistant Secretary-General for Human Rights made a statement (see A/C.3/48/SR.3).

5. At the 6th meeting, on 14 October, the Special Rapporteur of the Commission on Human Rights on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination made a statement (see A/C.3/48/SR.6).

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.3/48/L.14

6. At the 25th meeting, on 8 November, the representative of Zimbabwe, on behalf of Angola, Mozambique, Namibia, Nigeria, the United Republic of Tanzania, Zambia and Zimbabwe, introduced a draft resolution entitled "Status of the International Convention on the Suppression and Punishment of the Crime of Apartheid" (A/C.3/48/L.14).

7. At its 32nd meeting, on 12 November, the Committee adopted draft resolution A/C.3/48/L.14 by a recorded vote of 103 to 1, with 46 abstentions (see para. 12, draft resolution I). The voting was as follows: 2/

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Armenia, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brunei Darussalam, Burkina Faso, Cambodia, Cameroon, Central African Republic, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Ghana, Guatemala, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Republic of Korea, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovenia, Solomon Islands, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: United States of America.

Abstaining: Albania, Argentina, Australia, Austria, Azerbaijan, Belgium, Brazil, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, Marshall Islands, Micronesia (Federated States of), Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, San Marino, Slovakia, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland.

2/ Owing to a mechanical error, the vote in favour by Mali was incorrectly recorded as an abstention.

8. After the adoption of the draft resolution, statements were made by the representatives of Belgium (on behalf of the European Union), the United States of America and Mali (see A/C.3/48/SR.32).

B. Draft resolution A/C.3/48/L.16

9. At the 25th meeting, on 8 November, the representative of Slovenia, on behalf of Australia, Austria, Bangladesh, Bosnia and Herzegovina, Bulgaria, Canada, Cyprus, the Czech Republic, Denmark, Ecuador, Egypt, Finland, Germany, Hungary, Iceland, Morocco, the Netherlands, New Zealand, Nigeria, Norway, Pakistan, Poland, Romania, Slovakia, Slovenia and Sweden, introduced a draft resolution entitled "Report of the Committee on the Elimination of Racial Discrimination" (A/C.3/48/L.16). Subsequently, Costa Rica and the former Yugoslav Republic of Macedonia joined in sponsoring the draft resolution.

10. At the 32nd meeting, on 12 November, the representative of Slovenia orally revised the draft resolution by replacing, in operative paragraph 3, the words "Welcomes also" by the words "Takes note of".

11. At the same meeting, the Committee adopted draft resolution A/C.3/48/L.16, as orally revised (see para. 12, draft resolution II).

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

12. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Status of the International Convention on the Suppression and Punishment of the Crime of Apartheid

The General Assembly,

Recalling its resolutions 41/103 of 4 December 1986, 42/56 of 30 November 1987, 43/97 of 8 December 1988, 44/69 of 8 December 1989, 45/90 of 14 December 1990, 46/84 of 16 December 1991 and 47/81 of 16 December 1992,

Mindful that the International Convention on the Suppression and Punishment of the Crime of Apartheid 3/ constitutes an important international treaty in the field of human rights and serves to implement the ideals of the Universal Declaration of Human Rights, 4/

Reaffirming its conviction that apartheid is a crime against humanity and constitutes a total negation of the purposes and principles of the Charter of

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3/ Resolution 3068 (XXVIII), annex.

4/ Resolution 217 A (III).

the United Nations and a gross violation of human rights, seriously threatening international peace and security,

Condemning the abhorrent system of apartheid wherever it exists, as well as the repression it engenders,

Convinced that universal ratification of or accession to the Convention and the immediate implementation of its provisions will contribute to the eradication of the crime of apartheid,

1. Takes note of the report of the Secretary-General on the status of the International Convention on the Suppression and Punishment of the Crime of Apartheid; 5/

2. Commends those States parties to the Convention which have submitted their reports under article VII thereof;

3. Appeals to all States, United Nations organs, the specialized agencies and international and national non-governmental organizations to step up their activities to enhance public awareness by denouncing the crimes of apartheid;

4. Underlines the importance of the universal ratification of the Convention, which would be an effective contribution to the fulfilment of the ideals of the Universal Declaration of Human Rights and other human rights instruments;

5. Appeals once again to those States which have not yet done so to ratify or to accede to the Convention without further delay;

6. Requests the Secretary-General to intensify his efforts, through appropriate channels, to disseminate information on the Convention and its implementation with a view to promoting further ratification of or accession to the Convention;

7. Also requests the Secretary-General to include in his next annual report under General Assembly resolution 3380 (XXX) of 10 November 1975 a special section concerning the implementation of the Convention.

DRAFT RESOLUTION II

Report of the Committee on the Elimination of Racial Discrimination

The General Assembly,

Recalling its previous resolutions concerning the reports of the Committee on the Elimination of Racial Discrimination and its resolutions on the status of

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5/ A/48/438.

the International Convention on the Elimination of All Forms of Racial Discrimination, 6/

Reiterating the importance of the International Convention on the Elimination of All Forms of Racial Discrimination, which is one of the most widely accepted human rights instruments adopted under the auspices of the United Nations,

Aware of the importance of the contributions of the Committee to the efforts of the United Nations to combat racism and all other forms of discrimination based on race, colour, descent or national or ethnic origin,

Reiterating once again the need to intensify the struggle for the elimination of racism and racial discrimination throughout the world, especially its most brutal forms,

Emphasizing the obligation of all States parties to the Convention to take legislative, judicial and other measures in order to secure full implementation of the provisions of the Convention,

Bearing in mind the Vienna Declaration and Programme of Action, 7/ adopted by the World Conference on Human Rights on 25 June 1993, in particular section II.B, relating to equality, dignity and tolerance,

Calling upon States parties expeditiously to notify the Secretary-General in writing of their agreement to the amendment to the Convention regarding the financing of the Committee, as decided upon at the meeting of States parties on 15 January 1992 and set out in General Assembly resolution 47/111 of 16 December 1992,

Welcoming efforts of the Secretary-General to ensure interim financial arrangements for the financing of the expenses incurred by the Committee,

Stressing the importance of enabling the Committee to function smoothly and to have all necessary facilities for the effective performance of its functions under the Convention,

Having considered the report of the Secretary-General on the financial situation of the Committee, 8/

1. Commends the Committee on the Elimination of Racial Discrimination for its work with regard to the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination 6/ and the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination 9/ and its contribution to the preparation of a third decade to combat racism and racial discrimination;

6/ Resolution 2106 A (XX), annex.

7/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

8/ A/48/439.

9/ Resolution 38/14, annex.

2. Welcomes the innovatory procedures adopted by the Committee for reviewing the implementation of the Convention in States whose reports are overdue and for formulating concluding observations on State party reports;

3. Takes note of the general recommendations adopted by the Committee, which concretize the obligations of States parties with regard to the provisions of the Convention, especially General Recommendation XII (42), on successor States, and General Recommendation XV (42), on article 4 of the Convention; 10/

4. Encourages the Committee to continue to exert its efforts to enhance its contributions in the area of prevention of racial discrimination, including early warning and urgent procedures;

5. Expresses its profound concern at the fact that a number of States parties to the Convention still have not fulfilled their financial obligations, as shown in the report of the Secretary-General; 8/

6. Remains fully aware of the fact that such a situation may lead to a further delay in the discharge by the Committee of its substantive obligations under the Convention;

7. Takes note with appreciation of the report of the Committee on the work of its forty-second and forty-third sessions; 11/

8. Urges States parties to accelerate their domestic ratification procedures with regard to the amendment concerning the financing of the Committee;

9. Requests the Secretary-General to continue to ensure adequate financial arrangements and appropriate means to enable the functioning of the Committee;

10. Calls upon States parties to fulfil their obligations under article 9, paragraph 1, of the Convention, to submit in due time their periodic reports on measures taken to implement the Convention and to pay their outstanding contributions and, if possible, their contributions for 1994 before 1 February 1994, so as to enable the Committee to meet regularly;

11. Strongly appeals to all States parties, especially those in arrears, to fulfil their financial obligations under article 8, paragraph 6, of the Convention;

12. Requests the Secretary-General to invite those States parties which are in arrears to pay the amounts in arrears, and to report thereon to the General Assembly at its forty-ninth session;

10/ See A/48/18, chap. VIII.B.

11/ A/48/18.

13. Decides to consider at its forty-ninth session, under the item entitled "Elimination of racism and racial discrimination", the report of the Secretary-General on the financial situation of the Committee and the report of the Committee.

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Forty-eighth session
Agenda item 108 (a)

RIGHT OF PEOPLES TO SELF-DETERMINATION

Report of the Third Committee (Part I)*

Rapporteur: Mrs. Rosa Carmina Recinos de MALDONADO (Guatemala)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 24 September 1993, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-eighth session the item entitled "Right of peoples to self-determination" and to allocate it to the Third Committee.

2. The Committee considered item 108 (a), entitled "Right of peoples to self-determination", jointly with item 107 at its 3rd to 10th, 25th and 32nd meetings, on 11, 12, 14, 15 and 18 October and 8 and 12 November 1993. An account of the Committee's discussion of the item is contained in the relevant summary records (A/C.3/48/SR.3-10, 25 and 32).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General on the right of peoples to self-determination (A/48/384);

(b) Note by the Secretary-General transmitting the report of the Special Rapporteur on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (A/48/385);

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* The report of the Committee on item 108 will be issued in two parts (see also A/48/626/Add.1).

(c) Letter dated 25 February 1993 from the Permanent Representative of Equatorial Guinea to the United Nations addressed to the Secretary-General (A/48/94);

(d) Letter dated 11 June 1993 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General (A/48/207-S/25936);

(e) Letter dated 11 June 1993 from the Permanent Representative of Equatorial Guinea to the United Nations addressed to the Secretary-General (A/48/211);

(f) Letter dated 9 August 1993 from the Permanent Representative of Equatorial Guinea to the United Nations addressed to the Secretary-General (A/48/307);

(g) Letter dated 18 August 1993 from the Permanent Representative of Equatorial Guinea to the United Nations addressed to the Secretary-General (A/48/330);

(h) Letter dated 30 August 1993 from the Permanent Representative of Equatorial Guinea to the United Nations addressed to the Secretary-General (A/48/357);

(i) Letter dated 30 August 1993 from the Permanent Representative of the Marshall Islands to the United Nations addressed to the Secretary-General (A/48/359);

(j) Letter dated 6 October 1993 from the Permanent Representative of Indonesia to the United Nations addressed to the Secretary-General (A/48/484-S/26552);

(k) Letter dated 25 October 1993 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General (A/48/547);

(l) Letter dated 26 October 1993 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General (A/C.3/48/3);

(m) Letter dated 10 November 1993 from the Permanent Representative of Pakistan to the United Nations addressed to the Secretary-General (A/C.3/48/11);

(n) Letter dated 11 November 1993 from the Permanent Representative of Pakistan to the United Nations addressed to the Secretary-General (A/C.3/48/12).

4. At the 3rd meeting, on 11 October, the Assistant Secretary-General for Human Rights made a statement (see A/C.3/48/SR.3).

5. At the 6th meeting, on 14 October, the Special Rapporteur of the Commission on Human Rights on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination made a statement (see A/C.3/48/SR.6).

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.3/48/L.12

6. At the 25th meeting, on 8 November, the representative of Cuba, on behalf of Angola, Cuba, Ghana, Lesotho, Namibia, Nigeria, Uganda, the United Republic of Tanzania, Viet Nam, Zambia and Zimbabwe, introduced a draft resolution entitled "Use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination" (A/C.3/48/L.12) and orally revised it as follows:

(a) Operative paragraph 4 was moved and inserted between the ninth and tenth preambular paragraphs, and the remaining operative paragraphs were renumbered;

(b) In the same paragraph, the words "Notes with concern" were replaced by the words "Deeply concerned about".

7. Subsequently, Malawi joined in sponsoring the draft resolution.

8. At its 32nd meeting, on 12 November, the Committee adopted draft resolution A/C.3/48/L.12, as orally revised, by a recorded vote of 100 to 14, with 35 abstentions (see para. 18, draft resolution I). The voting was as follows: 1/

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Central African Republic, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Ghana, Guatemala, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao Peoples's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Republic of Moldova, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

1/ Owing to a mechanical error, the vote in favour by Armenia was incorrectly recorded as an abstention, and the abstention by Norway was recorded as a vote against. Subsequently, the delegation of Kyrgyzstan indicated that, had it been present, it would have abstained.

Against: Belgium, Bulgaria, Canada, Czech Republic, France, Germany, Italy, Luxembourg, Netherlands, Norway, Portugal, Romania, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Albania, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Croatia, Denmark, Estonia, Finland, Greece, Hungary, Iceland, Ireland, Israel, Japan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Malta, Marshall Islands, Micronesia (Federated States of), New Zealand, Poland, Republic of Korea, Russian Federation, San Marino, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Turkey.

9. After the adoption of the draft resolution, statements were made by the representatives of the Republic of Moldova, Bulgaria, Romania, Belgium (on behalf of the European Union) and Armenia (see A/C.3/48/SR.25).

B. Draft resolution A/C.3/48/L.15

10. At the 25th meeting, on 8 November, the representative of Pakistan, on behalf of Afghanistan, Azerbaijan, Bahrain, Bosnia and Herzegovina, Brunei Darussalam, Cape Verde, Chile, Colombia, Comoros, Costa Rica, Djibouti, the Dominican Republic, Ecuador, Egypt, El Salvador, Gabon, Guatemala, the Islamic Republic of Iran, Jordan, Kuwait, Malaysia, Mauritania, Morocco, Nicaragua, Oman, Pakistan, Papua New Guinea, Qatar, Sierra Leone, Singapore, Thailand and the United Arab Emirates, introduced a draft resolution entitled "Universal realization of the right of peoples to self-determination" (A/C.3/48/L.15).

11. Subsequently, Albania, Honduras and Saudi Arabia joined in sponsoring the draft resolution.

12. At its 32nd meeting, on 12 November, the Committee adopted draft resolution A/C.3/48/L.15 (see para. 18, draft resolution II).

13. After the adoption of the draft resolution, the representative of India made a statement (see A/C.3/48/SR.32).

C. Draft resolution A/C.3/48/L.19

14. At the 25th meeting, on 8 November, the representative of Algeria, on behalf of the States Members of the United Nations that are members of the Group of African States, introduced a draft resolution entitled "Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights" (A/C.3/48/L.19).

15. At its 32nd meeting, on 12 November, the Committee adopted draft resolution A/C.3/48/L.19 by a recorded vote of 87 to 25, with 34 abstentions. The voting was as follows: 2/

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Central African Republic, Chile, China, Colombia, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Ecuador, Egypt, Ethiopia, Ghana, Guatemala, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Peru, Philippines, Qatar, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Albania, Argentina, Belgium, Bulgaria, Canada, Czech Republic, Denmark, Finland, France, Germany, Hungary, Iceland, Israel, Italy, Japan, Luxembourg, Netherlands, Norway, Poland, Romania, Russian Federation, Slovakia, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Azerbaijan, Belarus, Bolivia, Costa Rica, Croatia, El Salvador, Estonia, Fiji, Greece, Honduras, Ireland, Jamaica, Kazakhstan, Latvia, Liechtenstein, Lithuania, Malta, Marshall Islands, Micronesia (Federated States of), New Zealand, Nicaragua, Panama, Paraguay, Portugal, Republic of Korea, Republic of Moldova, San Marino, Slovenia, Spain, Turkey, Ukraine, Uruguay.

16. Before the adoption of the draft resolution, statements were made by the representatives of Iraq and Israel (see A/C.3/48/SR.32).

17. After the adoption of the draft resolution, statements were made by the representatives of Belgium (on behalf of the European Union), the United States of America, Venezuela, Albania, the Islamic Republic of Iran, Cyprus, Peru, Australia, Japan, Brazil, the Syrian Arab Republic, Kuwait, the Philippines, Chile, Uruguay and Myanmar (see A/C.3/48/SR.32).

2/ Subsequently, the delegation of Kyrgyzstan indicated that had it been present, it would have abstained.

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

18. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination

The General Assembly,

Recalling its resolution 47/84 of 16 December 1992 on the use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination,

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, territorial integrity of States and self-determination of peoples,

Urging strict respect for the principle of the non-use or threat of the use of force in international relations, as developed in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, 3/

Reaffirming the legitimacy of the struggle of peoples and their liberation movements for their independence, territorial integrity, national unity and liberation from colonial domination, apartheid and foreign intervention and occupation, and that their legitimate struggle can in no way be considered as or equated to mercenary activity,

Convinced that the use of mercenaries is a threat to international peace and security,

Deeply concerned about the menace that the activities of mercenaries represent for all States, particularly African and other developing States,

Profoundly alarmed at the continued international criminal activities of mercenaries in collusion with drug traffickers,

Alarmed also by the growing linkage observed between mercenary activities and terrorist practices,

Recognizing that the activities of mercenaries are contrary to the fundamental principles of international law, such as non-interference in the internal affairs of States, territorial integrity and independence, and impede the process of the self-determination of peoples struggling against colonialism, racism and apartheid and all forms of foreign domination,

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3/ Resolution 2625 (XXV), annex.

Deeply concerned about the continuing participation of South Africa in mercenary-related activities, as highlighted in the report of the Special Rapporteur, 4/

Recalling all of its relevant resolutions, in which, inter alia, it condemned any State that permitted or tolerated the recruitment, financing, training, assembly, transit and use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements, and also recalling the relevant resolutions of the Security Council, the Economic and Social Council and the Organization of African Unity,

Deeply concerned about the loss of life, the substantial damage to property and the short-term and long-term negative effects on the economy of southern African countries resulting from mercenary aggression,

Convinced that it is necessary to develop international cooperation among States for the prevention, prosecution and punishment of such offences,

Welcoming the adoption of the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, 5/

1. Takes note with appreciation of the report of the Special Rapporteur of the Commission on Human Rights on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination; 4/

2. Condemns the continued recruitment, financing, training, assembly, transit and use of mercenaries, as well as all other forms of support to mercenaries, for the purpose of destabilizing and overthrowing the Governments of African States and other developing States and fighting against the national liberation movements of peoples struggling for the exercise of their right to self-determination;

3. Reaffirms that the use of mercenaries and their recruitment, financing and training are offences of grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

4. Denounces any State that persists in, permits or tolerates the recruitment of mercenaries and provides facilities to them for launching armed aggression against other States;

5. Urges all States to take the necessary steps and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to ensure, by both administrative and legislative measures, that their territory and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training and transit of mercenaries or for the planning of activities designed to destabilize or overthrow the Government of any State and to fight the national liberation

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4/ A/48/385.

5/ Resolution 44/34, annex.

movements struggling against racism, apartheid, colonial domination and foreign intervention or occupation;

6. Calls upon all States to extend humanitarian assistance to victims of situations resulting from the use of mercenaries, as well as from colonial or alien domination or foreign occupation;

7. Reaffirms that to use channels of humanitarian and other assistance to finance, train and arm mercenaries is inadmissible;

8. Calls upon all States that have not yet done so to consider taking early action to sign or to ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries; 5/

9. Requests the Centre for Human Rights of the Secretariat to organize, within the framework of its existing resources, working meetings to analyse the philosophical, political and legal aspects of this question, in the light of the recommendations contained in the report of the Special Rapporteur;

10. Requests the Special Rapporteur of the Commission on Human Rights to report to the General Assembly at its forty-ninth session on the use of mercenaries, especially in view of the additional elements highlighted in his report.

DRAFT RESOLUTION II

Universal realization of the right of peoples to self-determination

The General Assembly,

Reaffirming the importance, for the effective guarantee and observance of human rights, of the universal realization of the right of peoples to self-determination enshrined in the Charter of the United Nations and embodied in the International Covenants on Human Rights, 6/ as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960,

Welcoming the progressive exercise of the right to self-determination by peoples under colonial, foreign or alien occupation and their emergence into sovereign statehood and independence,

Deeply concerned at the continuation of acts or threats of foreign military intervention and occupation that are threatening to suppress, or have already suppressed, the right to self-determination of an increasing number of sovereign peoples and nations,

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6/ Resolution 2200 A (XXI), annex.

Expressing grave concern that, as a consequence of the persistence of such actions, millions of people have been and are being uprooted from their homes as refugees and displaced persons, and emphasizing the urgent need for concerted international action to alleviate their condition,

Recalling the relevant resolutions regarding the violation of the right of peoples to self-determination and other human rights as a result of foreign military intervention, aggression and occupation, adopted by the Commission on Human Rights at its thirty-sixth, 7/ thirty-seventh, 8/ thirty-eighth, 9/ thirty-ninth, 10/ fortieth, 11/ forty-first, 12/ forty-second, 13/ forty-third, 14/ forty-fourth, 15/ forty-fifth, 16/ forty-sixth, 17/ forty-seventh, 18/ forty-eighth 19/ and forty-ninth 20/ sessions,

Reaffirming its resolutions 35/35 B of 14 November 1980, 36/10 of 28 October 1981, 37/42 of 3 December 1982, 38/16 of 22 November 1983, 39/18 of 23 November 1984, 40/24 of 29 November 1985, 41/100 of 4 December 1986, 42/94 of 7 December 1987, 43/105 of 8 December 1988, 44/80 of 8 December 1989, 45/131 of 14 December 1990, 46/88 of 16 December 1991 and 47/83 of 16 December 1992,

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7/ See Official Records of the Economic and Social Council, 1980, Supplement No. 3 and corrigendum (E/1980/13 and Corr.1), chap. XXVI, sect. A.

8/ Ibid., 1981, Supplement No. 5 and corrigendum (E/1981/25 and Corr.1), chap. XXVIII, sect. A.

9/ Ibid., 1982, Supplement No. 2 and corrigendum (E/1982/12 and Corr.1), chap. XXVI, sect. A.

10/ Ibid., 1983, Supplement No. 3 and corrigendum (E/1983/13 and Corr.1), chap. XXVII, sect. A.

11/ Ibid., 1984, Supplement No. 4 and corrigendum (E/1984/14 and Corr.1), chap. II, sect. A.

12/ Ibid., 1985, Supplement No. 2 (E/1985/22), chap. II, sect. A.

13/ Ibid., 1986, Supplement No. 2 (E/1986/22), chap. II, sect. A.

14/ Ibid., 1987, Supplement No. 5 and corrigenda (E/1987/18 and Corr.1 and 2), chap. II, sect. A.

15/ Ibid., 1988, Supplement No. 2 and corrigendum (E/1988/12 and Corr.1), chap. II, sect. A.

16/ Ibid., 1989, Supplement No. 2 (E/1989/20), chap. II, sect. A.

17/ Ibid., 1990, Supplement No. 2 and corrigendum (E/1990/22 and Corr.1), chap. II, sect. A.

18/ Ibid., 1991, Supplement No. 2 (E/1991/22), chap. II, sect. A.

19/ Ibid., 1992, Supplement No. 2 (E/1992/22), chap. II, sect. A.

20/ Ibid., 1993, Supplement No. 3 (E/1993/23), chap. II, sect. A.

Taking note of the report of the Secretary-General, 21/

1. Reaffirms that the universal realization of the right of all peoples, including those under colonial, foreign and alien domination, to self-determination is a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights;

2. Declares its firm opposition to acts of foreign military intervention, aggression and occupation, since these have resulted in the suppression of the right of peoples to self-determination and other human rights in certain parts of the world;

3. Calls upon those States responsible to cease immediately their military intervention in and occupation of foreign countries and territories and all acts of repression, discrimination, exploitation and maltreatment, particularly the brutal and inhuman methods reportedly employed for the execution of those acts against the peoples concerned;

4. Deplores the plight of the millions of refugees and displaced persons who have been uprooted as a result of the aforementioned acts, and reaffirms their right to return to their homes voluntarily in safety and honour;

5. Requests the Commission on Human Rights to continue to give special attention to the violation of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation;

6. Requests the Secretary-General to report on this question to the General Assembly at its forty-ninth session under the item entitled "Right of peoples to self-determination".

DRAFT RESOLUTION III

Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights

The General Assembly,

Reaffirming its faith in the importance of the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in its resolution 1514 (XV) of 14 December 1960,

Reaffirming also the importance of the universal realization of the right of peoples to self-determination, national sovereignty and territorial integrity and of the speedy granting of independence to colonial countries and peoples as imperatives for the full enjoyment of all human rights,

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21/ A/48/384.

Reaffirming further the obligation of all Member States to comply with the principles of the Charter of the United Nations and the resolutions of the United Nations regarding the exercise of the right to self-determination by peoples under colonial and foreign domination,

Recalling the Vienna Declaration and Programme of Action 22/ adopted at the World Conference on Human Rights,

Considering the urgent need of Namibia for assistance in its efforts to reconstruct and strengthen its fledgling economic and social structures,

Recalling the Abuja Declaration on South Africa, adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its twenty-seventh ordinary session, held at Abuja from 3 to 5 June 1991, 23/ and the statement adopted by the Ad Hoc Committee of the Organization of African Unity on Southern Africa at its extraordinary session of the Ministers for Foreign Affairs, held on 29 September 1993, 24/

Affirming the need to exercise vigilance with respect to developments in South Africa to ensure that the common objective of the international community and the peoples of South Africa is achieved by the establishment of a united, democratic and non-racial South Africa without deviation or obstruction,

Recalling the signing of the General Peace Agreement for Mozambique 25/ at Rome on 4 October 1992, which provides for the termination of the armed conflict in that country,

Reaffirming the national unity and territorial integrity of the Comoros,

Deeply concerned by Israel's continuing occupation of parts of southern Lebanon and its frequent attacks against Lebanese territory and people, as well as its refusal to implement Security Council resolution 425 (1978) of 19 March 1978,

Bearing in mind United Nations resolutions related to the question of Palestine,

Taking note of the recent positive evolution in the Middle East peace process, in particular the signing on 13 September 1993 of the Declaration of Principles on Interim Self-Government Arrangements 26/ by the Government of the State of Israel and the Palestine Liberation Organization,

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22/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

23/ A/46/390, annex II.

24/ A/48/461-S/26514, annex.

25/ S/24635, annex.

26/ A/48/486-S/26560, annex.

1. Calls upon all States to implement fully and faithfully all the relevant resolutions of the United Nations regarding the exercise of the right to self-determination and independence by peoples under colonial and foreign domination;

2. Reaffirms the legitimacy of the struggle of peoples for independence, territorial integrity, national unity and liberation from colonial domination, apartheid and foreign occupation, in all its forms and by all available means;

3. Reaffirms also the inalienable right of the Palestinian people and all peoples under foreign occupation and colonial domination to self-determination, independence and sovereignty;

4. Calls upon those Governments which do not recognize the right to self-determination and independence of all peoples still under colonial domination, alien subjugation and foreign occupation to do so;

5. Calls upon Israel to refrain from violation of the fundamental rights of the Palestinian people and from denial of its right to self-determination;

6. Urges all States, the specialized agencies and organizations of the United Nations system, as well as other international organizations, to extend their support to the Palestinian people through its sole and legitimate representative, the Palestine Liberation Organization, in its struggle to regain its right to self-determination and independence in accordance with the Charter of the United Nations;

7. Urgently appeals to all States, the organizations of the United Nations system and other international organizations to render assistance to Namibia in order to enhance its efforts to promote democracy and economic development;

8. Strongly urges the Government of South Africa to take additional steps to implement fully the provisions of the statement of the Ad Hoc Committee of the Organization of African Unity on Southern Africa, of 29 September 1993, 24/ in order to achieve the objectives of the Declaration on Apartheid and its Destructive Consequences in Southern Africa; 27/

9. Calls upon all parties to refrain immediately from acts of violence and calls upon the Government of South Africa to exercise its responsibility to end the ongoing violence through, inter alia, strict adherence to the National Peace Accord; 28/

10. Calls upon all signatories to the National Peace Accord to manifest their commitment to peace by fully implementing its provisions, and calls upon other parties to contribute to the attainment of its objectives;

11. Strongly condemns the establishment and use of armed groups with a view to pitting them against the national liberation movements;

27/ Resolution S-16/1, annex.

28/ See Centre against Apartheid, Notes and Documents, No. 23/91.

12. Demands that the Government of South Africa repeal the security legislation that remains in force, which inhibits free and peaceful political activity;

13. Requests the Secretary-General to act speedily to implement Security Council resolution 772 (1992) of 17 August 1992 in its entirety, including those parts pertaining to the investigation of criminal conduct and the monitoring of all armed formations in the country;

14. Demands the full application of the mandatory arms embargo against South Africa, imposed under Security Council resolution 418 (1977) of 4 November 1977, by all countries and more particularly by those countries which maintain military and nuclear cooperation with the Government of South Africa and continue to supply it with related matériel;

15. Appeals to the international community, pursuant to General Assembly resolution 47/82 of 16 December 1992, to continue to extend assistance to Lesotho to enable it to fulfil its international humanitarian obligations towards refugees;

16. Pays tribute to the Government and people of Angola for their noble contribution to the evolving climate of peace in southern Angola, and addresses its strongest appeal to the National Union for the Total Independence of Angola to undertake to commit itself to the peace process that will lead to a comprehensive settlement in Angola on the basis of the Peace Accords; 29/

17. Demands that the Government of South Africa pay compensation to Angola for damages caused, in accordance with the relevant resolutions and decisions of the Security Council;

18. Demands also that the Government of South Africa pay full and adequate compensation to Botswana for the loss of life and damage to property resulting from the unprovoked and unwarranted military attacks of 14 June 1985, 19 May 1986 and 20 June 1988 on the capital of Botswana;

19. Calls upon the international community to continue to extend its generous support to the ongoing efforts aimed at ensuring respect for and the successful implementation of the General Peace Agreement for Mozambique 25/ and at assisting the Government of Mozambique in the establishment of lasting peace and democracy and in the promotion of an effective programme of national reconstruction in that country;

20. Fully supports the Secretary-General in his efforts to implement the plan for the settlement of the question of Western Sahara by organizing, in cooperation with the Organization of African Unity, a referendum for the self-determination of the people of Western Sahara;

29/ See S/22609.

21. Notes the contacts between the Government of the Comoros and the Government of France in the search for a just solution to the problem of the integration of the Comorian island of Mayotte into the Comoros, in accordance with the resolutions of the Organization of African Unity and the United Nations on the question;

22. Strongly condemns the continued violation of the human rights of the peoples still under colonial domination and alien subjugation;

23. Calls for a substantial increase in all forms of assistance given by all States, United Nations organs, the specialized agencies and non-governmental organizations to the victims of racism, racial discrimination and apartheid through anti-apartheid organizations and national liberation movements recognized by the Organization of African Unity;

24. Reaffirms that the practice of using mercenaries against sovereign States and national liberation movements constitutes a criminal act, and calls upon the Governments of all countries to enact legislation declaring the recruitment, financing and training of mercenaries in their territories and the transit of mercenaries through their territories to be punishable offences and prohibiting their nationals from serving as mercenaries, and to report on such legislation to the Secretary-General;

25. Demands the immediate and unconditional release of all persons detained or imprisoned as a result of their struggle for self-determination and independence, full respect for their fundamental individual rights and compliance with article 5 of the Universal Declaration of Human Rights, 30/ under which no one shall be subjected to torture or to cruel, inhuman or degrading treatment;

26. Expresses its appreciation for the material and other forms of assistance that peoples under colonial rule continue to receive from Governments, organizations of the United Nations system and other intergovernmental organizations, and calls for a substantial increase in that assistance;

27. Urges all States, the specialized agencies and other competent organizations of the United Nations system to do their utmost to ensure the full implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and to intensify their efforts to support peoples under colonial, foreign and racist domination in their just struggle for self-determination and independence;

28. Decides to consider this question at its forty-ninth session under the item entitled "Right of peoples to self-determination".

30/ Resolution 217 A (III).

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Agenda item 108 (b)

RIGHT OF PEOPLES TO SELF-DETERMINATION: EFFECTIVE REALIZATION OF THE RIGHT OF SELF-DETERMINATION THROUGH AUTONOMY

Report of the Third Committee (Part II)

Rapporteur: Mrs. Rosa Carmina Recinos de MALDONADO (Guatemala)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 24 September 1993, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-eighth session the item entitled:

"Right of peoples to self-determination

"(b) Effective realization of the right of self-determination through autonomy"

and to allocate it to the Third Committee.

2. The Committee considered the item at its 21st, 22nd, 25th, 30th and 32nd meetings, on 2, 3, 8, 11 and 12 November 1993. An account of the Committee's discussion of the item is contained in the relevant summary records (A/C.3/48/SR.21, 22, 25, 30 and 32).

3. For its consideration of the item, the Committee had before it letters dated 16 July and 28 September 1993 from the Permanent Representative of Liechtenstein to the United Nations addressed to the Secretary-General (A/48/147 and Add.1).

II. CONSIDERATION OF DRAFT DECISION A/C.3/48/L.17

4. At the 25th meeting, on 8 November, the representative of Liechtenstein, on behalf of Antigua and Barbuda, Armenia, Costa Rica, Estonia, Liechtenstein, Nigeria, Poland, Ukraine, Uruguay and Vanuatu, introduced a draft decision entitled "Effective realization of the right of self-determination through autonomy" (A/C.3/48/L.17).

5. At the 30th meeting, on 11 November, the representative of Indonesia, on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries, as well as China, introduced an amendment to the draft decision (A/C.3/48/L.25), by which the words

> "to include in the provisional agenda of its forty-ninth session, under the item entitled 'Right of peoples to self-determination', a sub-item entitled 'Effective realization of the right of self-determination through autonomy'"

would be replaced by the words "to defer consideration of the sub-item to one of its future sessions".

6. At the 32nd meeting, on 12 November, the representatives of Nigeria, Poland and Ukraine withdrew their sponsorship of the draft decision.

7. At the same meeting, the representative of Vanuatu stated that it had not been his intention to sponsor the draft decision.

8. Also at the same meeting, the representative of Liechtenstein made a statement in connection with the amendment (see A/C.3/48/SR.32), after which the Committee adopted the amendment.

9. After the adoption of the amendment, statements were made by the representatives of Antigua and Barbuda, Costa Rica and Uruguay.

10. At the same meeting, the Committee adopted the draft decision, as amended (see para. 11).

III. RECOMMENDATION OF THE THIRD COMMITTEE

11. The Third Committee recommends to the General Assembly the adoption of the following draft decision:

Effective realization of the right of self-determination through autonomy

The General Assembly, on the recommendation of the Third Committee, having noted with interest the debate on the sub-item entitled "Effective realization of the right of self-determination through autonomy" at its forty-eighth session, decides to defer consideration of the sub-item to one of its future sessions.